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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/781,996	02/14/2001	Teruhiko Nakagawa	H9876.0060/P060	2038

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EXAMINER

VU, THANH T

ART UNIT	PAPER NUMBER
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2174

DATE MAILED: 06/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/781,996	NAKAGAWA ET AL.	
	Examiner	Art Unit	
	Thanh T. Vu	2174	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 September 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 5-13 and 15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 5-13, and 15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This communication is responsive to Amendment, filed 09/13/2005.

Claims 1, 5-13, and 15 are pending in this application. This action is made Final.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 5-7, 10-13 are rejected under 35 U.S.C. 102(e) as being anticipated by Cheng (US 6,329,986).

As per independent **claim 1**, Cheng teaches an information display method for displaying information about a plurality of users registered in a server, on a terminal of a specific user of the plurality of users, via a network, the method comprising the steps of: transferring registration information about the plurality of users from the server to the terminal of the user (col.4, lines 32-37); and displaying at least one graphical model within a virtual space on the terminal of said specific user, each of said at least one graphical model being associated with a respective one of said plurality of users (figs. 1a and 1b; one graphical model: user avatar; col. 3, lines 26-31; col. 4, lines 57-65; col. 9, lines 27-50) and including at least one graphical figure associated with an interest level of said respective one user in at least one item (one graphical figure: non-avatar objects see, col. 3, lines 33-49; col. 9, lines 53-67; col. 22, lines 47-67; col. 31, lines 7-18; col.

Art Unit: 2174

34, lines 55-62; fig. 8, 300 interest specification tool, col. 27, line 41-col. 28, line 56), the display of said model being responsive to registration information of said respective one user and to registration information of said specific user (figs 1a and 1b; col. 9, lines 27-50), and the display of each of said at least one figure being responsive to registration information of said respective one user relating to said interest level in said item and to registration information of said specific user relating to said interest level in said item (one graphical figure: non-avatar objects see, col. 3, lines 33-49; col. 9, lines 53-67; col. 22, lines 47-67; col. 31, lines 7-18; col. 34, lines 55-62; fig. 8, 300 interest specification tool, col. 27, line 41-col. 28, line 56).

As per **claim 5**, which is dependent on claim 1, Cheng teaches wherein the registration information about the plurality of users is retrieved according to predetermined extraction conditions set by the specific user so that a user satisfying the extraction conditions is extracted (col.6, lines 6-36; col.10, lines 5-19).

As per **claim 6**, which is dependent on claim 5, Cheng teaches wherein the model corresponding to an extracted user is displayed, and the model corresponding to an unextracted user is not displayed (Fig.1b, col.4, lines 59-65).

As per **claim 7**, which is dependent on claim 5, Cheng teaches wherein the information about extracted user(s) is displayed as a list (col.9, lines 39-51).

As per **claim 10**, which is dependent on claim 5, Cheng teaches wherein the manager of the server charges to another specific user for the setting of the extraction conditions by the specific user (col.29, lines 2-7).

Art Unit: 2174

As per **claim 11**, which is dependent on claim 5, Cheng teaches wherein an extracted specific user is able to charge to the user communicating with the user within the virtual space (col.29, lines 8-22).

As per **claim 12**, which is dependent on claim 7, Cheng teaches wherein the extracted user is able to charge to the specific user for displaying the list including the information of the extracted user (col.29, lines 22-42).

Claim 13 is similar in scope to claim 1, and therefore is rejected under similar rationale.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 8-9, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cheng (US 6,329,986) in view of Farmer et al. ("Farmer", US 6,476,830).

As per **claims 8-9**, which are dependent on claim 5, Cheng teaches the invention substantially as claimed wherein the specific user is able to set extraction conditions (col.3, lines 34-39). Cheng does not expressly teach in the case where the specific user has in advance a permission of sales activities within the virtual space from the server. Farmer teaches a virtual environment, wherein the specific user has in advance a permission of sales activities within the virtual space from the server (col.4, lines 41-59). It would have been obvious to one of ordinary

skill in the art at the time of the invention to combine the virtual sales activities as taught by Farmer with the virtual environment of Cheng because it provides a measure of controlling the exchange of goods and services for on-line users in conducting sales activities within a community of people with common interests in a virtual world.

As per **claim 15**, Cheng teaches a method for communicating via a network with a virtual character presented by a server, the method comprising the steps of:

preparing parameters of each plurality of users communicating with the virtual character wherein the parameters about each user includes a file for describing a graphical model having at least one graphical figure of item in place of each user within a virtual space shared by the plurality of users (one graphical figure: non-avatar objects see, col. 3, lines 33-49) and the virtual space where the model corresponding to each user exists is displayed at the terminal of the user and where the parameters about each user includes an interest level of each user in at least one item (figs. 1a and 1b; col. 4, lines 57-65; col. 9, lines 27-67; col. 22, lines 47-56; fig. 8, 300 interest specification tool, col. 27, line 41-col. 28, line 56) the display of said at least one figure responsive to parameters of said user relating to said interest level in said at least one item col. 22, lines 47-56; fig. 8, 300 interest specification tool, col. 27, line 41-col. 28, line 56); and varying the parameters of each user depending on the progress of communication of each user with the virtual character, wherein said virtual character has information about each of said plurality of users (col.6, lines 23-36; col. 9, lines 26-33).

Cheng does not teach informing each user a response from the virtual character corresponding to the parameters by and electronic mail at a predetermined timing. Farmer

Art Unit: 2174

teaches informing each user a response from the virtual character corresponding to the parameters by an electronic mail at a predetermined timing (col.5, lines 10-26). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the use of email with Cheng's method to allow users more flexibility of interaction choices.

Response to Arguments

Applicants' arguments in the Amendment have been fully considered but are not persuasive.

Applicant primary argument is that Cheng does not teach "a graphical model having at least one graphical figure which is associated with an interest level of a user and which is displayed in response to registration information of the user" (page 7). The examiner does not agree for the following reasons:

During patent examination, the pending claims must be "given >their< broadest reasonable interpretation consistent with the specification." > In re Hyatt, 211 F.3d 1367, 1372, 54 USPQ2d 1664, 1667 (Fed. Cir. 2000). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Applicant always has the opportunity to amend the claims during prosecution, and broad interpretation by the examiner reduces the possibility that the claim, once issued, will be interpreted more broadly than is justified. In re Prater, 415 F.2d 1393, 1404-05, 162 USPQ 541, 550-51 (CCPA 1969).

Art Unit: 2174

In this case, Cheng teaches a graphical model (figs. 1a and 1b; col. 3, lines 26-31; col. 4, lines 57-65; *a user avatar represents a graphical model of a user*) having at least one graphical figure (col. 3, lines 45-48; col. 9, lines 62-63; *non-avatar objects being a part of an avatar*) which is associated with an interest level of a user (col. 22, lines 47-67; col. 31, lines 7-18; col. 34, lines 55-62; *participant interest level is based on Set-Profile and/or Set-priority*) and which is displayed in response to registration information of the user (Col. 9, lines 27-67; col. 27, line 41-col. 28, line 56; col. 31, lines 7-18; col. 34, lines 55-62; *registration information such as Set-Profile/Set-Priority of the user avatar*).

The examiner acknowledges that during the phone interview on 08/23/2005, the examiner has suggested the applicant to amend the claim language to include features as described in fig. 8 of the specification in order to distinguish the present invention over the prior art of record. However, with a closer examination of the present claim language, Cheng still reads on the claim language as explained above.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

Art Unit: 2174

however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Inquiries

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thanh T. Vu whose telephone number is (571) 272-4073. The examiner can normally be reached on Mon-Thur and every other Fri 7:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine L. Kincaid can be reached on (571) 272-4063. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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